

Suzanne L. Elliott
Law Office of Suzanne Lee Elliott
1300 Hoge Building
705 Second Avenue
Seattle, WA 98104-1705
(206) 623-0291
suzanne-elliott@msn.com

Mark A. Larrañaga,
140 Lakeside Ave., Suite A - #338
Seattle, WA 98104
(206) 972-0151
Mark@jamlegal.com

Theresa M. Duncan
Duncan Earnest, LLC
222 East Marcy Street
Suite 1
Santa Fe, NM 87501
505-710-6586
teri@duncanearnest.com

Attorneys for Defendant John P. Smith

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN PEARL SMITH, II,
Defendant.

No. CR16-0086-SLG-DMS

DEFENSE SENTENCING
MEMORANDUM

Defendant John Pearl Smith, through undersigned counsel, respectfully submits
this Sentencing Memorandum and incorporates the arguments he made in his Sealed

1 Objections to Final Presentence Report (ECF 1314), which he filed on February 9, 2023.
2 ECF 1317. Undersigned counsel titled that document as Objections rather than as a
3 Sentencing Memorandum and apologizes for any confusion that may have caused.

4 Pursuant to L. Crim. R. 32.1(e), Mr. Smith states as follows:

5 1. He disagrees with the presentence report as set forth in ECF 1317, which
6 was previously served on counsel for the government and the probation officer who
7 drafted the PSR.

8 2. Given Mr. Smith's plan to appeal his convictions, the defense makes no
9 recommendation to this court regarding sentencing. He is not requesting a departure or
10 variance from the guidelines.

11 3. Authority relevant to the guideline issues Mr. Smith raised in ECF 1317
12 are cited in that document.

13 4. While Mr. Smith has a state court detainer for a parole violation, he has
14 not been sentenced for that violation.
15

16 DATED this 13th day of February 2023.

17 /s/Suzanne Lee Elliott
18 Suzanne L. Elliott
19 Law Office of Suzanne Lee Elliott
20 1300 Hoge Building
21 705 Second Avenue
22 Seattle, WA 98104-1705
23 (206) 623-0291
24 suzanne-elliott@msn.com
25

1 /s/ Mark A. Larrañaga

2 Mark A. Larrañaga,
3 140 Lakeside Ave., Suite A - #338
4 Seattle, WA 98104
5 (206) 972-0151
6 Mark@jamlegal.com

7 /s/ Theresa M. Duncan

8 Theresa M. Duncan
9 Duncan Earnest, LLC
10 222 East Marcy Street
11 Suite 1
12 Santa Fe, NM 87501
13 505-710-6586
14 teri@duncanearnest.com

15 Attorneys for Defendant John P. Smith

16 Certificate of Service:

17 I hereby certify that I electronically filed the
18 foregoing, and any attachments, with the Clerk
19 of court for the U.S. District Court for the
20 District of Alaska by using the district's
21 CM/ECF system on February 13, 2023. All
22 participants in this case are registered CM/ECF
23 users and will be served by the district's
24 CM/ECF system.

25 /s/ Theresa M. Duncan

Theresa M. Duncan